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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,229	06/27/2003	Mohammad H. El-Haj	MS1-1559US	7545

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EXAMINER	
WU, QING YUAN	
ART UNIT	**PAPER NUMBER**
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/30/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/30/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	10/609,229	EL-HAJ, MOHAMMAD H.	
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/24/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-38 are pending in the application.

Claim Objections

2. Claim 16 is objected to because of the following informalities: "An apparatus according to claim 1" should read --An apparatus according to claim 10--. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. Claim 1 is an apparatus claim directed to software alone without claiming associated computer hardware required for execution. Claims 2-8 are dependent claims of claim 1 and do not support the hardware requirement for implementing the apparatus of claim 1, therefore they are rejected for the same reason. Claims 10-16 and 18 are rejected for the same reason.

6. As to claims 1, 10 and 18, the current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception

(software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, the result of the claims are manipulation tool logic "configured" to perform a certain function, which are not a tangible result because the execution of the functionalities did not occurred and therefore no result will be produce. In addition, claims 1 and 20 recite searching for a user interface object using a plurality of search strategies remains in the abstract, since the search does not produce, extract nor returning any result. See MPEP 2107.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 9, 17, 19, 21, 28, 36 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following claim language is indefinite:

i. As per claims 9, 17 and 19, it is uncertain whether these are apparatus claims or computer-readable medium claims (i.e. applicant is suggested to rewrite these claims in the correct independent form). Claims 28, 36 and 38 are rejected for similar reason.

ii. As per claim 21, it is uncertain whether "the interfacing," refers to the "interfacing with a manipulation tool library" on claim 20 (i.e. it is unclear which tool or

module is interfacing with which. For examination purpose, "the interfacing" will be treated as the "interaction" between the script or manipulation tool library and the user interface for the remainder of this office action).

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1, 3, 9, 20, 22 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Patterson (U.S. Publication 2003/0236775).

11. As to claim 20, Patterson teaches a method for interacting with a target software product having user interface functionality, comprising:

executing a script that involves interaction with the user interface functionality of the target software product [abstract, lines 5-8; pg. 1, paragraph 5]; and

interfacing with a manipulation tool library to carry out at least one function specified in the script, wherein the at least one function includes [440, Fig. 4]:

searching for a user interface object using a selectable one of a plurality of different search strategies provided by the manipulation tool library [pg. 3, paragraph 37].

12. As to claim 22, Patterson teaches wherein one of the selectable search strategies is an SQL-type query string search strategy that involves comparing a specified string with information associated with the user interface object [pg. 3, paragraph 37, lines 9-21; pgs. 3-4, paragraphs 38-40].

13. As to claim 28, this claim is rejected for the same reason as claim 20 above.

14. As to claim 1, this claim is rejected for the same reason as claim 20 above.

15. As to claim 3, this claim is rejected for the same reason as claim 22 above.

16. As to claim 9, this claim is rejected for the same reason as claim 1 above.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claims 2, 4-5, 21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson as applied to claims 1 and 20 above.

19. As to claim 21, Patterson does not specifically teach interfacing with the target software product using a window-type interface and an accessibility interface. However, Patterson disclosed interfacing with the target software product through the graphical user interface objects and their underlying control functionality [pg. 2, paragraph 29, lines 1-4; pg. 3, paragraph 37, lines 3-5; pgs.3-4, paragraphs 38-42]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Patterson to include interfacing with the target software product using various interfaces because Patterson's disclosure of interfacing with user interface objects would applied to various interfaces which implicitly interacts/interfaces with the target software.

20. As to claim 23, Patterson does not specifically teach wherein one of the selectable search strategies is a flag-based attribute search strategy. However, Patterson disclosed a unique name string that contains a predetermined set of properties of a GUI object, the properties of the GUI object in the unique name are organized such that it is easy to extract the property names from the string name of the GUI object, and determine the closest matching GUI object based on the properties matched [pgs. 4-5, paragraphs 49-63]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the teaching of Patterson involves the comparison of various attribute value and flag information.

21. As to claim 24, this claim is rejected for the same reason as claims 22 and 23 above.

22. As to claim 2, and 4-5, these claims are rejected for the same reason as claims 21 and 23-24 above.

23. Claims 6-8, 10-19, 25-27 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson as applied to claims 1 and 20 above, in view of Stein et al. (hereafter Stein) (U.S. Patent 5,896,495).

24. As to claim 25, Patterson does not specifically teach wherein another function of the manipulation tool library comprises event handling for blocking the execution of the script until a specified event has occurred within a specified timeout period. However, Stein teaches a No Hands driver blocks until it receives an acknowledgment from the GUI program that the GUI program is ready to process a new message, and a delay command for synchronizing and to properly ensuring synchronization between scripted input and GUI display [Stein, col. 5, lines 1-22; col. 2, lines 15-57]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have modified the teaching of Patterson with the teaching of Stein because the teaching of Stein can further enhances the teaching of Patterson by properly addressing the synchronization issue with GUI testing as being considered by Stein [Stein, col. 2, lines 39-57].

25. As to claim 26, this claim is rejected for the same reason as claim 25 above.

26. As to claim 27, this claim is rejected for the same reason as claim 25 above. In addition,

Patterson as modified teaches event handling for executing a callback function upon the occurrence of a specified event, the callback function executing a prescribed function upon the occurrence of the specified event [Stein, col. 5, lines 43-56].

27. As to claims 6-8, these claims are rejected for the same reason as claims 25-27 above.

28. As to claim 10, this claim is rejected for the same reason as claims 1 and 6 above.

29. As to claims 11-17, these claims are rejected for the same reason as claims 2-5 and 7-9 above.

30. As to claims 18-19, these claims are rejected for the same reason as claims 1 and 8 above.

31. As to claim 29, this claim is rejected for the same reason as claims 20 and 25 above.

32. As to claims 30-36, these claims are rejected for the same reason as claims 21-24 and 26-28 above.

33. As to claims 37-38, these claims are rejected for the same reason as claims 20 and 27 above.

34. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Patent No. 6,993,748 to Schaefer.

U.S. Publication No. 2004/0194065 to McGrath et al.

U.S. Patent No. 7,055,137 to Mathews.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-6:00pm Monday-Thursday and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Qing-Yuan Wu

Examiner

Art Unit 2194